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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,532	06/25/2003	Michael Joseph Pizzo	13768.402	4133
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WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER PONIKIEWSKI, TOMASZ	
			ART UNIT 2165	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/603,532	Applicant(s) PIZZO ET AL.	
	Examiner Tomasz Ponikiewski	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 12-35 and 39-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/09/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-11 and 36-38 are pending. Claims 12-35 and 39-49 are withdrawn from consideration.

Election/Restrictions

2. Claims 12-35 and 39-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups II, III, IV, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/07/2006.

Specification

3. The disclosure is objected to because of the following informalities: in last line of paragraph 0035 on page 15 the applicant recites "a GPU". It is not clear which device is associated with this abbreviation.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: in line 14 applicant recite "can be". Suggests optionally which implies that it actually doesn't have to be. Appropriate correction is required.

5. Claim 36 is objected to because of the following informalities: in line 17 applicant recite "can be". Suggests optionally which implies that it actually doesn't have to be. Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 9 and 36-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9, line 2 and claim 36, line 5, both recite the word "when executed". In the context of the claims it describes a program per se with no supporting hardware. It never actually has to be executed. Software program need hardware in order to be executed.

Claim 36 state the intended use by use of word "for use" in the preamble and "for" in the preamble. To overcome this type of rejection, claims could be amended to recite definite functionality (i.e. executed" or "processed").

Claims 36-38 are not limited to tangible embodiments. In view of applicant's disclosure, specification page 15, paragraph 0034, the medium is not limited to tangible

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embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For this specification, any other media may not be statutory as it may include medium that is not statutory.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 11 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. In claim 1 it is unclear to the examiner who does the "act of selecting". Since claim 2 teaches user selection while claim 3 teaches system selection, it makes it unclear which is performing the "selecting" in claim 1.

11. In claim 1 the word "causing" in line 8 makes it unclear as to what the applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring.

In claim 36 the word "cause" in line 6 and word "causing" in line 11 makes it unclear as to what the applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring.

12. Claims 1 and 36 recite the limitation "the validity" in line 15 and 18 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "a requesting server computer system" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. The examiner does not know which requesting server computer system is referenced. Are they the same or different?

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-2, 4, 7, 9-11 and 36-38 rejected under 35 U.S.C. 102(e) as being anticipated by Chu et al. (U.S. 6,493,720 B1).

As per claim 1 Chu et al. is directed to a computer system that accesses a database having one or more data tables, a method for configuring the database to provide a table change notification when content in one of the data tables is altered, the method comprising the following:

an act of selecting a data table that is to be monitored for content changes (column 3, lines 52-55, wherein "data table" means "file manager, ..., or a database system");

an act of inserting a record that corresponds to the selected data table into a change notification table, the corresponding record including versioning information for the selected data table (column 3, lines 55-61; column 7, lines 48-51);

an act of assigning a trigger to the selected data table, the trigger causing the versioning information for the selected data table to be updated in the change notification table when content in the selected data table is altered (column 7 lines 60-61, wherein "trigger" means "schedule");

an act of updating the versioning information in the change notification table in response to content in the selected data table being altered (column 7, lines 48-51);

and an act of returning the updated versioning information to a requesting server computer system such that the updated versioning information can be used to

determine the validity of content in a cache entry at the server computer system (column 6, lines 34-38).

As per claim 2 Chu et al. is directed to the act of selecting a data table that is to be monitored for content changes comprises an act of receiving user-input that selects a data table is to be monitored for content changes (column 7, lines 33-36).

As per claim 4 Chu et al. is directed to the act of inserting a record that corresponds to the selected data table into a change notification table comprises an act of inserting the record in response to user-input (column 7, lines 14-16, wherein "inserting" means "registering").

As per claim 7 Chu et al. is directed to the act of assigning a trigger to the selected data table comprises an act of receiving user input instructing a trigger to be assigned to the selected data table (column 7 lines 60-61, wherein "trigger" means "schedule").

As per claim 9 Chu et al. is directed to the act of assigning a trigger to the selected data table comprises an act of the assigning a trigger that, when executed in response to content in the selected data table being altered, will update a corresponding change ID in the table change notification table (column 7, lines 42-46).

As per claim 10 Chu et al. is directed to the act of updating the versioning information in the change notification table in response to content in the selected data table being altered comprises an act of executing the trigger (column 7, lines 42-46).

As per claim 11 Chu et al. is directed to the act of returning the updated versioning information to a requesting server computer system comprises an act of returning the updated versioning information to a requesting server computer system that constructs Web responses including content from the selected data table (column 6, lines 14-19; column 6, lines 42-46).

As per claim 36 Chu et al. is directed to a computer program product for use in a computer system that access a database having one or more data tables, the computer program product for implementing a method for configuring the database to provide a table change notification when data in one of the data tables is altered, the computer program product comprising one or more computer-readable media having stored thereon computer executable instructions that, when executed by a processor, cause the computer system to perform the following:

select a data table that is to be monitored for data changes (column 3, lines 52-55, wherein "data table" means "file manager, ..., or a database system");

insert a record that corresponds to the selected data table into a change notification table, the corresponding record including versioning information for the selected data table (column 3, lines 55-61; column 7, lines 48-51);

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assign a trigger to the selected data table, the trigger causing the versioning information for the selected data table to be updated in the change notification table when data in the selected data table is altered (column 7 lines 60-61, wherein "trigger" means "schedule");

update the versioning information in the change notification table in response to data in the selected data table being altered (column 7, lines 48-51);

and send the updated versioning information to a requesting server computer system such that the updated versioning information can be used to determine the validity of data in a cache entry at the server computer system (column 6, lines 34-38).

As per claim 37 Chu et al. is directed to the one or more computer-readable media are physical media (column 2, lines 49-50).

As per claim 38 Chu et al. is directed to the one or more computer-readable media include system memory (column 2, lines 46-56).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (US 6,493,720 B1) in view of Jim Challenger, Arun Iyengar, Paul Dantzig "A scalable system for Consistently Caching Dynamic Web Data", from here on referred as Challenger et al.

As per claim 3 Chu et al. does not teach the act of selecting a data table that is to be monitored for content changes comprises an act of the computer system automatically selecting a data table in response to a received Web request.

Challenger et al. does teach the act of selecting a data table that is to be monitored for content changes comprises an act of the computer system automatically selecting a data table in response to a received Web request (page 300, column 1 last paragraph, lines 4-8, wherein the system is aware of only "athlete page" being imputed hence that is table selected).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chu et al. by teachings of Challenger et al. to include the act of selecting a data table that is to be monitored for content changes comprises an act of the computer system automatically selecting a data table in response to a received Web request because automation is more efficient use of resources (see Challenger et al. abstract).

As per claim 5 Chu et al. does not teach the act of inserting a record that corresponds to the selected data table into a change notification table compromises an

act of the computer system automatically inserting the record in response to a Web request.

Challenger et al. does teach the act of inserting a record that corresponds to the selected data table into a change notification table comprises an act of the computer system automatically inserting the record in response to a Web request (page 301, column 1, lines 24-27; column 2, lines 9-10, wherein “inserting” means “adding”)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chu et al. by teachings of Challenger et al. to include the act of inserting a record that corresponds to the selected data table into a change notification table comprises an act of the computer system automatically inserting the record in response to a Web request because automation is more efficient use of resources (see Challenger et al. abstract).

As per claim 8 Chu et al. does not teach the act of assigning a trigger to the selected data table comprises an act of the computer system automatically assigning a trigger to the selected table in response to receiving a Web request for content contained in the selected table.

Challenger et al. does teach the act of assigning a trigger to the selected data table comprises an act of the computer system automatically assigning a trigger to the selected table in response to receiving a Web request for content contained in the selected table (page 301, column 1, section “3.5 The Trigger Table”).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chu et al. by teachings of Challenger et al. to include the act of assigning a trigger to the selected data table comprises an act of the computer system automatically assigning a trigger to the selected table in response to receiving a Web request for content contained in the selected table because automation is more efficient use of resources (see Challenger et al. abstract).

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (US 6,493,720 B1) in view of Dettinger et al. (US PUB 2003/0093413 A1).

As per claim 6 Chu et al. does not teach the act of inserting a record that corresponds to the selected data table into a change notification table compromises an act of inserting the record into a SQL table.

Dettinger et al. does teach the act of inserting a record that corresponds to the selected data table into a change notification table compromises an act of inserting the record into a SQL table (Dettinger et al. page 4, paragraph 0036, lines 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chu et al. by teachings of Dettinger et al. to include inserting a record into a SQL table because SQL language is most commonly used in databases.

Conclusion


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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tomasz Ponikiewski
March 29, 2006


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